United States Department of Labor Employees' Compensation Appeals Board

R.Z., Appellant))
and) Docket No. 21-0441) Issued: October 29, 2021
U.S. POSTAL SERVICE, LEXINGTON POST OFFICE, Lexington, SC, Employer) issued. October 29, 2021)
Appearances: Wayne Johnson, Esq., for the appellant ¹ Office of Solicitor, for the Director	Case Submitted on the Record

ORDER DISMISSING APPEAL

Before:

ALEC J. KOROMILAS, Chief Judge PATRICIA H. FITZGERALD, Alternate Judge VALERIE D. EVANS-HARRELL, Alternate Judge

On February 2, 2021 appellant, through counsel, filed a timely appeal from an August 5, 2020 nonmerit decision of the Office of Workers' Compensation Programs (OWCP). The Clerk of the Appellant Boards assigned Docket No. 21-0441.

The Board, having duly considered this matter, notes that the Board has jurisdiction to review final adverse decisions of OWCP issued under the Federal Employees' Compensation Act (FECA).² For final adverse decisions of OWCP issued on or after November 19, 2008, the Board's

¹ In all cases in which a representative has been authorized in a matter before the Board, no claim for a fee for legal or other service performed on appeal before the Board is valid unless approved by the Board. 20 C.F.R. § 501.9(e). No contract for a stipulated fee or on a contingent fee basis will be approved by the Board. *Id.* An attorney or representative's collection of a fee without the Board's approval may constitute a misdemeanor, subject to fine or imprisonment for up to one year or both. *Id.*; see also 18 U.S.C. § 292. Demands for payment of fees to a representative, prior to approval by the Board, may be reported to appropriate authorities for investigation.

² 5 U.S.C. § 8101 et seq.; 20 C.F.R. § § 501.2(c) and 501.3(a) (2009).

review authority is limited to appeals, which are filed within 180 days from the date of issuance of OWCP's decision.³

The 180th day following the August 5, 2020 decision was Monday, February 1, 2021. As appellant did not file an appeal with the Board until Tuesday, February 2, 2021, more than 180 days after the August 5, 2020 OWCP decision, the Board finds that the appeal docketed as No. 21-0441 is untimely filed. The Board is without jurisdiction to review the appeal. Appellant has not explained his failure to timely file an appeal with supporting documentation sufficient to establish compelling circumstances. Because there is no adverse, final decision issued by OWCP within 180 days of the February 2, 2021 filing of the instant appeal, the Board concludes that the appeal docketed as No. 21-0441, must be dismissed.⁴ Accordingly,

IT IS HEREBY ORDERED THAT the appeal docketed as No. 21-0441 is dismissed.

Issued: October 29, 2021 Washington, DC

Alec J. Koromilas, Chief Judge Employees' Compensation Appeals Board

Patricia H. Fitzgerald, Alternate Judge Employees' Compensation Appeals Board

Valerie D. Evans-Harrell, Alternate Judge Employees' Compensation Appeals Board

³ *Id.* at § 501.3(e).

⁴ The Board's decisions and orders are final upon the expiration of 30 days from the date of their issuance. 20 C.F.R. § 501.6(d); *H.C.*, Docket No. 20-0925 (issued May 27, 2021).